

## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

APPROVED

### Board of Selectmen Meeting Minutes

Monday, April 25, 2011

6:00 P.M.

Town Offices, 25 Bryant Lane

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson

Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

#### 1. 6:00 PM Open Meeting

The Chairwoman opened the meeting, the Board members introduced themselves and the Clerk read the agenda.

#### 2. New Business

##### • 6:05 PM Verizon/National Grid Pole Petitions - Pawtucket Blvd Project

Representatives from Verizon, National Grid and Mass DOT were present to continue the hearing on the locations of poles and the placement of underground conduits along the Frost Road, Sherburne Avenue, Parker Lane, Indian Lane and the new Pawtucket Blvd extension for the Pawtucket Blvd relocation project. The pole will be placed at the location as shown on the plan, the poles will average 40 feet to 45 feet in height. A new signal will be placed at Frost Road and Indian Lane, some tree trimming will occur sometime after the start of construction. The project bid has been awarded to D White Construction; the town will be notified of the preconstruction meeting probably in two weeks. The conduit will be placed as shown on the plan submitted. Some discussion on the need for stub poles, and anchors, the push poles are used as a last resort. The project manager did confer with the abutter that had concerns about the use of their property and the matter has been addressed; the swale was moved to accommodate the abutter. The Chair hearing no further discussion and/or questions the Chair entertained a motion to close the hearing. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to close the hearing. The Board voted on a motion by Selectman Jackson, second by Selectman Reault to approve Verizon's Pole petition and underground conduit petition as submitted.

S&R Corp has petition the Board to relocate their construction field office across to the old shurfine site on Middlesex Road. Two options were proposed the better option was to use the back of the lot. S&R has to move their field office due to the beginning of the Pawtucket Blvd relocation project. The building at Frost and Pawtucket will be demolished, and the space being used by S&R will be taken over by D White Construction. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson at will of the Board to allow S&R Corporation to utilize option #1 for their new field office.

Verion petitioned the Town for an easement license to allow the installation of utilities for power to 12, 14 and 18 Kendall Road. The Board will confer with the Historical Commission on whether they would like to have the service extended to the old town hall building.

- **Appoint Interim Town Accountant**

The Board reviewed the correspondence relative to the Interim Town Accountant's position. Ms Geyer has applied for and was appointed as the Interim Town Accountant for the Town of Tyngsborough. Ms Geyer is appointed to serve on two committees and is elected to the Finance Committee; it is the opinion of the General Counsel at the State Ethics Commission that the Board of Selectmen appoint the members of the Recreation Dept., the Community Preservation Committee, and the Finance Committee as well as the Interim Town Accountant as a Special Municipal Employee. After some discussion the Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to appoint the Interim Town Accountant, the Community Preservation Committee, the Recreation Department and the Finance Committee Members as Special Municipal Employees until such time that the Interim Town Accountant no longer holds the position.

- **Police Lieutenant Promotions Update**

Selectwoman O'Neill read the following prepared statement on the Police promotions:

Police Lieutenant Promotional Process Underway

Candidates Participate in Oral Board review;  
to meet with Board of Selectmen and Police Chief

The promotional process for Tyngsborough Police Lieutenant candidates is underway, with seven candidates having participated in an Oral Board review with the Town's contracted police staffing consultant, BadgeQuest, on Saturday, April 16<sup>th</sup>. Candidates have been provided the results of their individual personnel assessments.

The Tyngsborough Board of Selectmen has finalized the interview schedule for candidates for Police Lieutenant. Interviews will be conducted in public session on April 26<sup>th</sup> and April 29<sup>th</sup>. The Selectmen will ask each candidate a set of pre-determined questions and will allot 45 minutes per interview. Police Chief William Mulligan will join the Selectmen for the interviews.

At the conclusion of the interview process, Chief Mulligan will provide the Board of Selectmen with his recommendations for promotion, which the Selectmen will consider in conjunction with the BadgeQuest report and the interviews. A decision is expected no later than May 9, 2011.

In 1978, Tyngsborough adopted Massachusetts General Law, Chapter 41 Section 97A, the so-called "Strong Chief" act. Under Section 97A, the Police Chief is appointed to a term of up to three years by the Board of Selectmen and has day-to-day control over the personnel and property of the Police Department. Under Section 97A, the Board of Selectmen is the appointing authority for all positions in the Police Department, however as has been referenced the Selectmen will consider the Chief's recommendation in making their appointment.

- **Frost Road Open Space**

The Board reviewed regulations put forth by the Recreation Committee. The Board has suggested a few minor changes. The Conservation Commission has provided a copy of their Land Use Regulations. The Board made some changes on the hours of operation from 8:30am to 8:30pm to say dawn to dusk. The changes to the proposed regulation include: parking to prohibit overnight parking, prohibit and destruction of property, to prohibit hazardous waste and to reference minor children. There was discussion on whether to open the park to residents only or allow the general public. A question arose on the necessity of reviewing other communities' regulations; the Recreation Dept has reviewed other communities' regulations and were able to proposed the regulations before the Board this evening. The majority of the Board agrees to open the park to the general public and to monitor for any problems. The Administrator asked if there are any other documents he should review; the Board will rely on Town Counsel's review and comments. The Administrator will forward the amended regulation to Town Counsel for review.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault for a fifteen minutes recess. The Board recessed at 7:25 PM.

- **7:30 PM TRI-Board Meeting with School Committee Members and Finance Committee Members - Discuss FY 2012 Budget**

The Board returned to session at 7:45 PM.

The Board met with the School Committee and the Finance Committee to discuss the FY2012 budget.

The School Committee Members present: Chairwoman Hillari Wennerstrom, Member Jeff Hunt, Member Barry Dick, Member Burt Buchman, and Herb Desrosiers and School Finance Director Joe Messina. The School Committee voted unanimously to open their meeting on a motion by Member Burt Buchman, second by Member Herb Desrosiers.

The Finance Committee Members present: Chairman John Griffin, Member Rob Mullin, Member Ken Times and Member Linda Geyer. The Finance Committee voted unanimously to open their meeting on a motion by Member Rob Mullin, second by Member Linda Geyer.

Finance Committee Member Mr. Mullin presented the budget the Finance Committee has been working on since December. Mr. Mullin distributed a copy of the budget to the School Committee and the Selectmen. The deficit was recognized and the School Committee will work to make the necessary cuts, the some cuts were identified on the municipal side, the Finance Committee is waiting for recommendations from the Selectmen on further cuts.

There was discussion on the recommended splits made by the Finance Committee, and the use of free cash and stabilization accounts. The School Committee has already discussed their cut and are wondering where the Town is at this point in time. The Fin Com has cut some of the departments the cuts are as follows: Economic Development - \$6,000; the Building Department - \$25,000; the Street Light project - \$13, 000; the Recreation Dept. - \$15,000; the Waste Collection - \$20,000; the Police Dept. - \$170,000; and the Library - \$19,165. The town has to find an additional \$68,645 in cuts. There was discussion from the Selectmen and the Fin Com on who was to find the additional cuts, the Selectmen has tasked the Finance Committee to prepare a balance budget for town meeting. The Finance Committee will take into consideration all the recommendation from this evening's discussion and will return to the Selectmen's next meeting for another presentation. The Finance Committee did recommend to the Selectmen and the School Committee that contracts being negotiated at this time be for one year, and 0% increase in raises.

The Finance Committee adjourned at 9:40 PM on a motion by Member Times, second by Member Mullin. The School Committee adjourned at 9:40 PM on a motion by Member Buchman, second by Member Desrosiers.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to recess for 10 minutes, the Board recessed at 9:40 PM. The Board resumed their meeting at 9:50 PM.

### **3. Old Business**

- **Mr. Lambert - Chapter 61 Property - Right of First Refusal**

The Board received a request of right of first refusal and has opened a comment period on Monday, April 11. The Board has received no comments to date and closes the comment period on Friday April 29<sup>th</sup>. The Board will vote on the request on Monday May 2<sup>nd</sup>.

### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Mr. George Geisenhainer came forward to discuss the tree cutting at the Housing complex on Frost Road. Mr Geisenhainer mistook the agenda item Frost Road Open Space as that parcel. Mr. Geisenhainer thanked the Board for allowing him to speak.

#### **4. Pending Meeting Minutes**

- **Regular Session**

- **February 28, 2011 ( has been deferred to the May 2, 2011 Meeting)**
- **March 14, 2011; March 28, 2011; April 4, 2011; April 11, 2011**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the Minutes of March 14, March 28, April 4, and April 11, 2011.

- **Executive Session**

- **April 4, 2011, April 11, 2011**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the Executive Session Minutes of April 4, and April 11, 2011.

#### **5. Correspondence**

Correspondence is posted at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov) with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to accept the correspondence as printed, to waive the reading of the correspondence list, for discussion. The Board received a letter from the Council on Aging Director stating that she will be retiring effective July, 2011. The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to accept the resignation with regrets. The Board discussed the posting of the position as an interim and to continue to look in the possibility of regionalization. A letter from a resident about a damage fence, the Administrator has been working with Town Counsel and the Highway Administrator on a solution to the damaged fences. The problem faced is the fences that are damaged are in the Town's right of way. If the Town starts to repair the fences it will pose a significant cost. The Administrator and the Highway Administrator have viewed the damaged fences and they are in the Town's right of way. The Administrators will ask the Building Commissioner of any set back requirements. The Board discussed the information provided by the Massachusetts Commission for the Blind internship program to ask if the Town would support the program, the Board supports the internship as it will benefit the Town. The Board was copied on a letter from the Dracut Manager to the Wastewater Executive Director suggesting that it would be beneficial if the Communities of Tewksbury, Checlmsford, Dracut and Tyngsborough meet together on successor agreements. The Administrator has forwarded the information to Mr. Piendak informing him that the Sewer Dept. of Tyngsborough over sees this agreement, and has forwarded the information to the Sewer dept. A resident's complaint on the condition a particular lot that is overwhelming and gaudy, asked the Board to look into remedying the situation.

#### **6. Selectmen's Reports**

- Selectman O'Neill – Capital Asset Management Committee – No report this evening.
- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

Selectwoman Coughlin acknowledged the dedication ceremony at the Sherburne property. Many people worked very hard on this. The ceremony was a dedication for two long time Conservation Commissioners who were dedicated to the Town, Henry Jungman and Robert Sherburne. There is a continuing string of daylight robberies in Tyngsborough, one such incident happened this afternoon on Lakeview Avenue, everyone please be on the look out for anything suspicious in your neighborhood. The RFP for the insulation of the Town Hall is done, and the consultant working on the street light acquisition is moving forward.

- Selectman Reault – Northern Middlesex Council Of Government – No report this evening

- **Selectman Lemoine – Economic Development**

Selectman Lemoine has asked the Administrator if he has heard when the Dracut Water Supply District's representative attending a Selectmen's meeting to discuss the issue of the pumping station in the Town Farm Development and the rate increase. The Administrator is seeing some resistance in the District's representative in meeting with the Board, Selectman Lemoine has offered to make a phone call. The Agreement is not executed at this time. Selectwoman Coughlin is involved in having representation of the Tyngsborough rate payers on the Dracut Water Supply District and would support anything that would speed things up.

- **Selectman Jackson – Insurance Committee/Meeting Minute Status**

The Insurance Committee met two weeks ago and discussed the town's property and liability insurance. A consultant was present and spoke on way to save on the insurance. Selectman Jackson received an e-mail on volunteerism in the community. It would be great to have the department heads to have students to assist them. Selectman Jackson asked about the building policy he did not see it in his packet. Town Counsel is reviewing and will send it shortly. We will need an update on the Adams Barn from the Historical Commission. The Historical Commission was to supply the Board with an RFP with the cost and a structural analysis.

## **7. Town Administrator's Reports – No report this evening**

## **8. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation
- Personnel

The Board voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into executive session at 10:45 P.M.

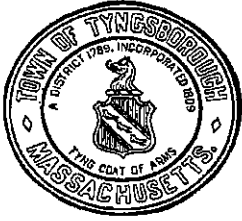
## **9. Adjournment**

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:20 P.M.

Respectfully Submitted

Therese Gay

Approved on *Monday May 16, 2011*



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Board of Selectmen Meeting Agenda

Monday, April 25, 2011

6:00 P.M.

Town Offices, 25 Bryant Lane

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

#### **1. 6:00 PM Open Meeting**

#### **2. New Business**

- **6:05 PM Verizon/National Grid Pole Petitions – Pawtucket Blvd Project and Kendall Road**
- **Interim Town Accountant – Special Municipal Employee**
- **7:30 PM Tri-Board Meeting with School Committee Members and Finance Committee Members - Discuss FY 2012 Budget**
- **Police Lieutenant Promotions Update**
- **Frost Road Open Space**

#### **3. Old Business**

- **Sherburne Avenue Property – MGL Chapter 61 Right of First Refusal**

#### **4. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

#### **5. Pending Meeting Minutes**

- **Regular Session**
  - **February 28, 2011**
  - **March 14, 2011**
  - **March 28, 2011**
  - **April 4, 2011**
  - **April 11, 2011**
- **Executive Session**
  - **April 4, 2011**
  - **April 11, 2011**

#### **6. Correspondence**

Correspondence is posted at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov) with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

## **7. Selectmen's Reports**

- Selectman O'Neill – Capital Asset Management Committee
- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities
- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – Insurance Committee/Meeting Minute Status

## **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

## **9. 8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation
- Personnel

## **10. Adjournment**

### **Future Meetings**

**Tuesday April 26, 2011 Interviews for Police Lieutenant Position**

**Friday April 29, 2011 Interviews for Police Lieutenant Position**

**Monday, May 2, 2011 Selectmen's Meeting at 6:00 PM at the Town Hall Offices**

**Tuesday, May 10, 2011 – Town Elections Polls Open at 7AM and closed at 8PM**

**PRECINCT 1. EARLY CHILDHOOD CENTER, 135 COBURN ROAD**

**PRECINCT 2. MULTI SERVICE CENTER, 180 LAKEVIEW AVENUE**

**PRECINCT 3. TOWN OFFICES/LIBRARY, 25 BRYANTS LANE**

**PRECINCT 4. TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD**

# Board of Selectmen Correspondence - Week of April 22, 2011

Date	Author	Subject	In Packet?
4/22/2011	Town Administrator	Letter	4/22/2011
4/21/2011	Citizen Petition	Warrant Article	4/22/2011
4/19/2011	COA Director	Resignation Letter	4/22/2011
4/12/2011	Bldg Dept	Letter Re maple Ridge Dev	4/22/2011
4/21/2011	PD Chief	Letters Overtime	4/22/2011
4/8/2011	Town Counsel	CPC Letter	4/22/2011
4/19/2011	Dracut Town Manager	Letter Interunicipal Agreement	4/22/2011
4/19/2011	Tyngsborough Resident	Letter re Cemetery	4/22/2011
4/19/2011	Tyngsborough Resident	Letter re Damaged Fence	4/22/2011
4/19/2011	ABCC	Letter License Approval	4/22/2011
4/9/2011	NMCOG	Environmental Impact Report	4/22/2011
4/21/2011	National Grid	Easement Request	4/22/2011
4/19/2011	CPC	Meeting Notice	4/22/2011
4/19/2011	Tyngsborough Public Library	Announcement	4/22/2011
4/21/2011	DEP	Grant Availability	4/22/2011
4/20/2011	Watchtower	Letter	4/22/2011
4/20/2011	School Committee	Minutes	4/22/2011
4/20/2011	School Committee	Letter of Intent	4/22/2011
4/12/2011	National Grid	Letter re energy efficiency	4/22/2011
4/19/2011	Health and Human Services	Letter re Internship Program	4/22/2011
4/20/2011	Mass Cultural Council	Information Session	4/22/2011
4/12/2011	Tyngsborough Citizen	Summons	4/22/2011
4/19/2011	Planning Board	Meeting Notice	4/22/2011
4/19/2011	NMCOG	Meeting Notice	4/22/2011
4/19/2011	Green Star	Notice	4/22/2011
4/19/2022	NMCOG	Census Information	4/22/2011
4/22/2011	Mayor Menino	Updated Bottle Bill	4/22/2011
4/22/2011	Dracut Town Manager	Letter to The General Court	4/22/2011